

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

**EVAN BRIAN CROCKER, a/k/a
CROCKER LEGAL, PLLC**

Debtor.

Chapter 7

No. 15–35886 (DRJ)

**EVAN BRIAN CROCKER, MICHAEL
SHAHBAZI, WENDY L. LANDES, and
RAEGENA SEITZ-MOULDS, on behalf of
themselves and all those similarly situated,**

Plaintiffs,

v.

**NAVIENT SOLUTIONS, LLC and
NAVIENT CREDIT FINANCE CORPORATION,**

Defendants.

A.P. No. 16–03175 (DRJ)

**STATEMENT OF ISSUES AND DESIGNATION OF
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

(RELATES TO DKT. NOS. 215, 216, 217, 220)

Navient Solutions, LLC (“NSL”) and Navient Credit Finance Corporation (“NCFC”), through the undersigned counsel pursuant to Federal Rule of Bankruptcy Procedure 8009 and Federal Rules of Appellate Procedure 6, provide the following statement of issues and designation of items to be included in the record on appeal. *See* Dkt. Nos. 215, 216, 217, 220.

I. STATEMENT OF ISSUES ON APPEAL

NSL and NCFC intend to present the following issues on appeal:

1. Did the bankruptcy court err by denying NSL's and NCFC's motion for summary judgment and concluding (a) that it has jurisdiction to interpret and enforce discharge orders entered by courts in judicial districts other than the Southern District of Texas and (b) that private student loans are not excepted from discharge as "obligations to repay funds received as educational benefits" under section 523(a)(8)(A)(ii) of the Bankruptcy Code?

II. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

NSL and NCFC designate the following items (including, without limitation, any and all exhibits, attachments, appendices, and other similar additions to such items) to be included in the record on appeal:

<u>Docket Number</u>	<u>Date of Filing</u>	<u>Document Name</u>
1	August 5, 2016	Complaint for Determination of Discharge, Declaratory Judgment Contempt, and Application for Temporary and Preliminary Injunctive Relief
4	August 5, 2016	Temporary Restraining Order
13	August 18, 2016	Agreed Order
15	August 26, 2016	Plaintiffs' First Amended Complaint
19	September 26, 2016	Unopposed Joint Motion to Extend Time to Respond to Plaintiffs' First Amended Complaint
32	October 14, 2016	Stipulation to Extend Defendants' Time to Respond to Plaintiffs' First Amended Complaint
36	October 31, 2016	Stipulation to Further Extend SLM Corporation's Time to Respond to Plaintiffs' First Amended Complaint
37	October 31, 2016	Defendant Navient Solutions, Inc.'s ¹ Motion to Compel Arbitration and Dismiss or Stay Pending Arbitration
43	November 14, 2016	Plaintiffs' Motion to File Second Amended Complaint and to Dismiss SLM Corporation Without Prejudice
50	November 21, 2016	Memorandum in Opposition to Motion to Compel Arbitration and Dismiss or Stay Pending Arbitration by Defendant Navient Solutions, Inc.

¹ Effective as of January 31, 2017, Navient Solutions, Inc. converted to a Delaware limited liability company and changed its name to Navient Solutions, LLC. Dkt. No. 97.

<u>Docket Number</u>	<u>Date of Filing</u>	<u>Document Name</u>
53	November 23, 2016	Defendant Navient Solutions, Inc.'s Motion to Compel Compliance with Fed. R. Bankr. P. 2016(b) and 11 U.S.C. § 329(a)
58	December 5, 2016	Defendant Navient Solutions, Inc.'s Objection to Plaintiffs' Motion to File Second Amended Complaint and to Dismiss SLM Corporation Without Prejudice
63	December 13, 2016	Plaintiffs' Opposition to Defendant Navient Solutions, Inc.'s Motion to Compel Compliance with Fed. R. Bankr. P. 2016(b) and 11 U.S.C. § 329(a)
73	December 30, 2016	Defendant Navient Solutions, Inc.'s Reply in Support of Motion to Compel Arbitration and Dismiss or Stay Pending Arbitration
75	January 3, 2017	Defendant Navient Solutions, Inc.'s Reply in Support of Motion to Compel Compliance with Fed. R. Bankr. P. 2016(b) and 11 U.S.C. § 329(a)
85	January 10, 2017	Order
88	January 13, 2017	Transcript of January 13, 2017 Hearing
94	January 25, 2017	Agreed Order
95	January 26, 2017	Plaintiffs' Second Amended Complaint
97	February 17, 2017	Notice of Name Change
100	February 27, 2017	Plaintiffs Evan Brian Haas's and Michael Shahbazi's Motion for Preliminary Injunction and Limited Class Certification
101	February 27, 2017	Motion to Dismiss Adversary Proceeding and to Strike Class Allegations by Navient Solutions, LLC and Navient Credit Finance Corporation
102	February 28, 2017	Affidavit of Michael Shahbazi
108	March 20, 2017	Defendants Navient Solutions, LLC's and Navient Credit Finance Corporation's Response in Opposition to Plaintiffs' Motion for Preliminary Injunction and Limited Class Certification
111	March 22, 2017	Plaintiffs' Reply Memorandum in Support of Their Motion for Preliminary Injunction and Limited Class Certification
114	March 25, 2017	Transcript of March 23, 2017 Hearing
119	April 7, 2017	Plaintiffs Evan Brian Haas' and Michael Shahbazi's Motion and Incorporated Memorandum in Support of Their Motion for Appointment as Interim Class Counsel and Interim Lead Counsel

<u>Docket Number</u>	<u>Date of Filing</u>	<u>Document Name</u>
120	April 7, 2017	Plaintiffs Evan Brian Haas' and Michael Shahbazi's Motion and Incorporated Memorandum in Support for Appointment as Interim Class Counsel and Interim Lead Counsel
122	April 11, 2017	Agreed Order Regarding Voluntary Temporary Suspension of Collection Efforts
124	April 19, 2017	Plaintiffs' Memorandum in Opposition to Motion to Dismiss Adversary Proceeding and to Strike Class Allegations by Navient Solutions, LLC and Navient Credit Finance Corporation
125	April 28, 2017	Statement and Reservation of Rights
126	May 8, 2017	Stipulated Protective Order
127	May 11, 2017	Order Granting Plaintiffs Evan Brian Haas' and Michael Shahbazi's Motion for Appointment as Interim Class Counsel and Interim Lead Counsel
132	June 19, 2017	Attorneys' Amended Disclosure of Postpetition Compensation Arrangement with Debtors Pursuant to Fed. R. Bankr. P. 2016(b) and 11 U.S.C. § 329(a)
162	November 10 2017	Motion for Summary Judgment by Navient Solutions, LLC and Navient Credit Finance Corporation
163	November 10, 2017	Memorandum of Law in Support of Motion for Summary Judgment by Navient Solutions, LLC and Navient Credit Finance Corporation
171	December 1, 2017	Sealed Document ²
172	December 1, 2017	Plaintiffs' Motion for an Order Pursuant to Sections 105(A) and 107(B) of the Bankruptcy Code, Bankruptcy Rule 9018, and Bankruptcy Local Rule 9037-1 Authorizing the Filing Under Seal of Certain Confidential Information
173	December 1, 2017	Plaintiffs' Memorandum of Law in Opposition to Motion for Summary Judgment by Navient Solutions, LLC and Navient Credit Finance Corporation
178	December 5, 2017	Confidentiality Agreement and Protective Order

² NSL and NCFC will move the U.S. Court of Appeals for the Fifth Circuit to accept the document under seal pursuant to Federal Rule of Bankruptcy Procedure 8009(f). *See* Fed. R. App. P. 6(c)(2)(A).

<u>Docket Number</u>	<u>Date of Filing</u>	<u>Document Name</u>
184	December 22, 2017	Reply in Support of Motion for Summary Judgment by Navient Solutions, LLC and Navient Credit Finance Corporation
186	January 23, 2018	Unopposed Motion for Leave to File Third Amended Complaint
191	March 2, 2018	Notice of Intent to Serve Subpoena <i>Duces Tecum</i>
194	March 6, 2018	Plaintiffs' Third Amended Complaint
197	March 6, 2017	Transcript of March 5, 2018 Hearing
199	March 9, 2018	Notice of Supplemental Authority
211	March 26, 2018	Order
215	April 5, 2018	Notice of Appeal
220	April 6, 2018	Order Certifying Direct Interlocutory Appeal

Dated: April 19, 2018
Houston, Texas

NAVIENT SOLUTIONS, LLC AND
NAVIENT CREDIT FINANCE CORPORATION

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CERTIFICATE OF SERVICE

I certify that on this 19th day of April, 2018, I filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Thomas M. Farrell